

NOVO NORDISK OF NORTH AMERICA, INC.  
405 LEXINGTON AVENUE, SUITE 6400  
NEW YORK, NEW YORK 10174-6401

Telephone: (212) 867-0123

FAX: (212) 878-9655

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CORPORATE PATENTS

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FAX TRANSMITTAL SHEET

TO: ~~Ms. Vonda Gale~~ *Barbara Frierson*  
Company: USPTO - Revivals Dept.  
Phone: (703) 305-3244  
Fax: (703) 306-3424

PAGES: 7 (including this transmittal sheet)

FROM: Carol E. Rozek, Esq.  
Phone: (212) 878-9648  
Fax: (212) 878-9655

DATE: September 28, 2000

RE: Withdrawal of Notice of Abandonment and  
Revival of Application No. 09/356,313

Dear Ms. Vale,

This application has been held abandoned for applicants' failure to timely respond to the Office Action mailed January 19, 2000, which made restriction and election of species requirements (copy attached). As required for written restriction requirements, applicants faxed their response to the Patent Office's designated fax number on February 4, 2000 (copy attached). As evidenced by the attached Communication Result Report, applicants' fax was received by the Patent Office on February 4, 2000.

Since applicants' response was timely filed, applicants request that the Notice of Abandonment be vacated, and that the application be restored to pending status.

*Carol E. Rozek*  
*9/28/00*


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/356,313	07/16/99	PEGOMKE	5873,210-US

STEVE T ZELSON ESP  
NOVO NORDISK OF NORTH AMERICA INC  
405 LEXINGTON AVENUE  
SUITE 6400  
NEW YORK NY 10174-6400

HM12/0828

EXAMINER

ART UNIT	PAPER NUMBER
1853	6

DATE MAILED:

 09/28/00  
08/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SEP 5 2000

**Notice of Abandonment**Application No.  
09/356,313

Applicant(s)

Peschke

Examiner

David Lukton

Group Art Unit  
1653

This application is abandoned in view of:

- ☒ applicant's failure to timely file a proper response to the Office letter mailed on Jan 19, 2000.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☒ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ the reason(s) below:

*Christopher S. F. Low*  
 CHRISTOPHER S. F. LOW  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 1600

Attorney Docket No.: 5573.210-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of: Peschke et al.

Serial No.: 09/356,313

Group Art Unit: 1653

Filed: July 16, 1999

Examiner: D. Lukton

For: Compounds With Growth Hormone Releasing Properties

CERTIFICATE OF FACSIMILE TRANSMISSION

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:


I hereby certify that the attached correspondence comprising:

1. Response to Restriction and Election Requirement

was sent to the United States Patent Office by telefax to the attention of Examiner D. Lukton, fax number (703) 305-3704.

Respectfully submitted,

Date: February 4, 2000

  
Miriam Kelly  
Novo Nordisk of North America, Inc.  
405 Lexington Avenue, Suite 6400  
New York, NY 10174-6401  
(212) 867-0123



# RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE: 2/7/00

FROM/ATTORNEY: CAROL E. ROZEK

FIRM: NOVUS NORDISK OF NO. AMERICA, INC.

PAGES, INCLUDING COVERSHEET: 3

PHONE NUMBER: (212) 878-9648

TO EXAMINER: D. LUKTON GAU: 1653

SERIAL NUMBER: 09/356, 313

FAX/TELECOPIER NUMBER: (703) 305-3704

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY  
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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SEP. 28. 2000 3:56PM NNNQ

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P. 1

\* \* \* COMMUNICATION RESULT REPORT ( FEB. 4. 2000 1. 36PM ) \* \* \*

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# RESTRICTION ELECTION FACSIMILE TRANSMISSION

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FROM/ATTORNEY: CAROL E. ROZEK

FIRM: NOVO NORDISK OF NO. AMERICA, INC.

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